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REMARKS

Claims 1, 10 and 12 are amended. Claims 1-15, as amended, remain in the application. No new matter is added by the amendments to the specification, the drawings and the claims.

The Rejections:

In the Office Action dated March 8, 2007, the Examiner rejected Claims 1-7 and 9-15 under 35 U.S.C. 102(b) as being clearly anticipated by Gagnon et al. U.S. Patent No. 5,086,881.

Referring to Claims 1, 2 and 12, the Examiner stated that Gagnon discloses an elevator driven by a flat linear motor as claim (see all figures and respective portions of the specification) and further discloses in figures 1-3, a drive having a linear motor {12} that includes a secondary part (28) positioned between a first primary part (30) and second primary part (32), wherein a compensating means (68) carries the primary parts and acts by a compensating normal force against an attractive normal force between each of the primary parts (30, 32) and the secondary part (28) (see Col. 2, lines 50-53; Col. 3, lines 40-51 and figures 1-6).

As to Claims 3, 4 and 7, the Examiner stated that Gagnon discloses a primary assembly together with the primary parts in which at least one guide element (70, 72) having an attached setting means to guides the drive along the secondary part and in addition move the guide elements closer or farther to the secondary element and, furthermore, Gagnon discloses that brake elements are inherently included in the linear motor (see Col. 2, lines 45-47 and Col. 5, lines 41-47). Moreover, according to the Examiner, the setting elements do not move the compensation means (68) towards or away from the secondary part.

Referring to Claim 5, the Examiner stated that Gagnon discloses that each guide roller is utilized to maintain an air gap between each primary element (30, 32) and the secondary element (28) (see Col. 3, lines 37-39, lines 44-47).

As to Claim 6, the Examiner stated that it is well-known in the art of linear motors used in elevator systems that the width of the air gaps is at a maximum and that the attractive normal force is small when the guide elements guides the drive (primary parts) into contact with the secondary part and vice versa if the brake elements keep the drive (primary parts) in contact with the secondary part.

Referring to Claim 9, the Examiner stated that it is well known in the art to stack more than one linear motor in series in an elevator shaft.

As to Claims 10 and 11, the Examiner stated that the method steps are inherent in the product structure of Claims 1 and 6 above.

Referring to Claim 13, the Examiner stated that Gagnon discloses in figure 1, an elevator car (14) and a drive that drives a counterweight (34) directly.

As to Claim 14, the Examiner stated that Gagnon depicts from figure 1, an elevator car (14) and the counterweight (34) are connected by way of at least one rope (16), wherein the drive moves the elevator and the counterweight with a 2:1 slinging.

Referring to Claim 15, the Examiner stated that Gagnon depicts from figure 1, a secondary part (28) extending over the entire length of a shaft.

The Response:

The Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In page 5, reference signs (8', 9' and 8.1'). Attached is a copy of Fig. 1 showing the proposed addition of the reference numerals mentioned on Page 5 of the specification and the reference numeral 14' shown in Fig. 2.

The Examiner objected to the drawings because in figure 2, reference characters "16, 16'" and "11, 11'" have both been used to designate an eccentric shaft and a setting element incorrectly. Attached is a copy of Fig. 2 showing the proposed amendments to the reference numerals to conform to Fig. 1. The reference numerals 16, 16' lead to the flanges on the electric motor setting elements in the section view of Fig. 1 and to the body of the motors in Fig. 2. The reference numerals 11, 11' lead to the eccentric shafts (plan view) in Fig. 1 and are not seen in Fig. 2.

The Examiner objected to the drawings under 37 CFR 1.83(a) because they fail to show a brake element that is connected by way of a brake level with a support means as described in the specification. The Examiner further objected to the drawings under 37 CFR 1.83(a) because "...the brake element connected by way of a brake level with a support means..." in Claim 7 must be shown or the feature(s) canceled from the claim(s).

16690

Applicants assume that the Examiner is referring to the "brake lever" instead of a "brake level". Fig. 1 shows the braking elements 8, 8', 9, 9' connected by the brake levers 8.1, 9.1 with the support means 4.

The Examiner stated that title of the invention is not fully descriptive, and is too vague. Applicants amended the title to the second title suggested by the Examiner.

The Examiner rejected Claims 1-7 and 9-15 under 35 U.S.C. 102(b) as being clearly anticipated by Gagnon. The Examiner equated Applicants' "compensation means" with the mainstays 68 of Gagnon.

Applicants amended Claims 1, 10 and 12 to recite that the primary parts are movable relative to one another. Such a structure is not shown in or suggested by Gagnon.

In Gagnon, the primary elements 30, 32 of the linear motor 12 are welded to the mainstays 68 on opposing sides of the secondary element 28. In turn, the mainstays 68 are fixed within the structural housing 26. In Col. 3, Lines 40-51 and Col. 4, Lines 44-54, Gagnon teaches that the mainstays 68 strengthen and stiffen each primary element to minimize deflection and that structural rigidity is particularly important in **maintaining the required air gap** between the secondary element and the primary elements. Accordingly, the primary elements 30, 32 are rigidly incorporated into the housing 26 and are at a fixed distance from each other as well as from the secondary element 28. Accordingly, all attractive force between the secondary and primary parts is completely absorbed into the fixed structural housing 26 which spans across both sides of the secondary element 28.

In Applicants' claimed invention, the primary parts 1, 1', 2, 2' are resiliently mounted to the rigid U-shaped transverse strut 4.3 by the compensation means 5 which biases the primary parts away from the secondary part 3 (Page 4, Lines 26-32). In the preferred embodiment, the compensation means 5 is in the form of springs 5.1 and 5.2. Hence, the individual primary parts 1, 1', 2, 2' are independently **movable towards and away from the secondary part 3**.

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to Applicant's disclosure to further show the state of the art. The Examiner cited: Grinaski (5203432); Olsen et al. (5235226); Hwang et al. (5518087); Ito et al. (5625174); Rivera et al. (5841082); Kowalczyk et al. (5949036); Kahkipuro et al. (6305501); Yamamoto et al. (2002/0050426); Smith et al. (2003/0000778); Grundmann (2003/0106746); Yamamoto et al.

16690

(6675938); and Grundmann (6742631). Applicants reviewed these references and found them to be no more pertinent than the prior art relied upon by the Examiner in the rejections.

In view of the amendments to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.